

1 HOUSE BILL NO. 598

2 INTRODUCED BY SALES

3 BY REQUEST OF THE HOUSE FISH, WILDLIFE, AND PARKS STANDING COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND
 6 PARKS TO ~~CONTRACT WITH A PRIVATE ENTITY~~ SOLICIT BIDS FOR THE PRINTING OF THE
 7 DEPARTMENT'S ANNUAL PUBLICATION OF ~~GENERAL ORDERS~~; HUNTING, FISHING, AND TRAPPING
 8 RULES; AND REGULATIONS; PROVIDING FOR THE TERMS OF THE CONTRACT, INCLUDING A
 9 PROVISION THAT THE SUCCESSFUL BIDDER MAY SOLICIT AND PUBLISH ADVERTISING IN THE
 10 DEPARTMENT'S ANNUAL PUBLICATION OF ~~GENERAL ORDERS~~; HUNTING, FISHING, AND TRAPPING
 11 RULES; AND REGULATIONS IN EXCHANGE FOR PRINTING THE ANNUAL PUBLICATION AT NO COST
 12 TO THE STATE; ~~EXEMPTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM THE~~
 13 ~~DEPARTMENT OF ADMINISTRATION'S GENERAL AUTHORITY TO SUPERVISE PUBLIC PRINTING;~~
 14 REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ADOPT RULES GOVERNING THE
 15 POSTING AND PUBLICATION OF ALL GENERAL RULES, REGULATIONS, AND ORDERS; AMENDING
 16 ~~SECTIONS 18-7-101 AND~~ SECTION 87-1-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

17

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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20 ~~Section 1.~~ Section 18-7-101, MCA, is amended to read:

21 ~~"18-7-101. Power to contract for printing -- exception.~~ (1) Except as provided in 1-11-301, the
 22 department has exclusive power, subject to the approval of the governor, to contract for all printing for any
 23 purpose used by the state in any state office (elective or appointive), agency, or institution.

24 ~~(2) The department shall supervise and attend to all public printing of the state as provided in this~~
 25 ~~chapter and shall prevent duplication and unnecessary printing.~~

26 ~~(3) Unless otherwise provided by law, the department, in letting contracts as provided in this chapter,~~
 27 ~~for the printing, binding, and publishing of all laws, journals, and reports of the state agencies and institutions~~
 28 ~~may determine the quantity, quality, style, and grade of all such printing, binding, and publishing.~~

29 ~~(4) The provisions of this chapter do not apply to:~~

30 ~~(a) the state compensation insurance fund for purposes of external marketing or educational materials;~~

1 ~~of~~

2 ~~—— (b) the department of fish, wildlife, and parks for purposes of printing the department of fish, wildlife,~~
3 ~~and parks' annual orders, rules, and regulations pursuant to 87-1-202."~~

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5 **Section 1.** Section 87-1-202, MCA, is amended to read:

6 **"87-1-202. Posting and publication of orders, rules, and regulations.** The orders, rules, and
7 regulations of the department ~~shall~~ must be published and posted in the following manner:

8 ~~—— (1) (a) Those having general application throughout the state shall must be published in such the~~
9 ~~manner and to such an the extent as that the department deems considers necessary and may direct directs.~~

10 ~~(b)(1) (A) The department shall invite proposals BIDS from private entities for the annual printing of the~~
11 ~~department's general orders, ANNUAL AND BIENNIAL HUNTING, FISHING, AND TRAPPING rules; and regulations. The~~
12 ~~proposals BIDS must include at a minimum:~~

13 ~~(i) a provision that the entity will provide printing of the annual orders, AND BIENNIAL HUNTING, FISHING,~~
14 ~~AND TRAPPING rules; and regulations at no cost to the department;~~

15 ~~(ii) the entity's offer of an additional amount that the entity will pay to the department, if that entity's~~
16 ~~proposal BID is accepted, for the right of the entity to solicit and publish advertising in the publication;~~

17 ~~(iii) a provision that the entity will abide by the department's authority regarding the manner, CONTENT,~~
18 ~~and format of the publication, including timing, quantity, quality, style, grade, and binding; and. THE ADVERTISING~~
19 ~~MUST BE IN A FORMAT THAT DOES NOT INCLUDE PRICE INFORMATION.~~

20 ~~(iv) any bid or contract performance security considered necessary and sufficient by the department to~~
21 ~~cover any risk involved to the state and to guarantee the faithful performance of the printing contract.~~

22 ~~(e)(B) After a reasonable time for the receipt of proposals BIDS for printing pursuant to THIS subsection~~
23 ~~(1)(b), the department shall enter a contract with the entity that offers the highest additional amount under~~
24 ~~subsection ~~(1)(b)(iii)~~ (1)(A)(II). The additional amount must be deposited by the department in the state general~~
25 ~~fund.~~

26 ~~—— (2) Those of general or special character having local application only shall must be published once in~~
27 ~~some newspaper having general circulation in the locality or district wherein such where the rules, regulations,~~
28 ~~or orders are applicable and shall must be posted in three conspicuous places in the locality or district in which~~
29 ~~they are applicable.~~

30 ~~(C) IF NO BIDS FOR PRINTING ARE RECEIVED, THE DEPARTMENT MAY PUBLISH THE HUNTING, FISHING, AND~~

1 TRAPPING RULES AND REGULATIONS PURSUANT TO RULES ADOPTED UNDER SUBSECTION (2).

2 (2) THE DEPARTMENT SHALL ADOPT RULES GOVERNING THE POSTING AND PUBLICATION OF ALL GENERAL RULES,
3 REGULATIONS, AND ORDERS."

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5 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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